

ESTTA Tracking number: **ESTTA424452**

Filing date: **08/10/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Ms Catherine A Mazza
Granted to Date of previous extension	08/10/2011
Address	15 Channel Center Street#502 Boston, MA 02210 UNITED STATES
Attorney information	MICHELLE K RILEY POWLEY & GIBSON PC 304 HUDSON STREET, SECOND FLOOR NEW YORK, NY 10013 UNITED STATES trademarks@powleygibson.com Phone:212-226-5054

### Applicant Information

Application No	77652408	Publication date	04/12/2011
Opposition Filing Date	08/10/2011	Opposition Period Ends	08/10/2011
Applicant	M/S. INDEUTSCH INTERNATIONAL Plot No. 42, Noida Special Economic Zone Noida, 201305(U. INDIA		

### Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Hosiery, readymade garments, namely, suits, shirts, pants, trousers, dresses, blouses, blazers, jackets, cardigans, pullovers, ties, jeans, shorts, t-shirts, and footwear; wrist bands, braces, namely, suspenders
Class 026. All goods and services in the class are opposed, namely: Lace and embroidery, ribbons and braids, buttons, hooks and eyes, pins, namely, hair pins, knitting pins, bobby pins, sewing pins, tapestry pins, stitching pins, patchwork pins, cross stitch pins, crochet pins, safety pins, needles, artificial flowers, brooches, bands, namely, armbands, elastic ribbon bands, zip fastener, elastic tapes, cotton elastic tapes, cotton straps, namely, strap buckles, belting straps, ribbon straps, fastening straps, novelty badges, clothing buckles, needle threaders, decorative cords for clothing frills, saree falls, namely, a sewing attachment made at the border of the garment to increase its durability and life of the garments, snap fasteners and lace trimming
Class 035. All goods and services in the class are opposed, namely: Wholesale and retail store and distributorship services all featuring lace and embroidery, ribbons and braid, buttons, hooks and eyes, pins and needles, artificial flowers including brooches, bands, zip fastener, elastic tapes, cotton

tapes, cotton straps, badges, braces, buckles, clothing, eye leads, cords for clothing frills, sarees falls, braid eyes pins, snap fasteners and trimming and hosiery and readymade garments and footwear
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## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	KNITPRO		
Goods/Services	web-based application that translates digital images into knit, crochet, needlepoint and cross-stitch patterns; seminars, workshops, and events		

Attachments	8.10.11- 485.1- Notice of Opposition.pdf ( 6 pages )(1456942 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/mkr/
Name	MICHELLE K RILEY
Date	08/10/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 77/652,408  
For the Mark: KNITPRO FOR THOSE WHO LOVE TO KNIT & Design  
Published in the Official Gazette on April 12, 2011

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Catherine A. Mazza,	:	
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Opposer,	:	
	:	
-against-	:	Opposition No. _____
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M/S. INDEUTSCH INTERNATIONAL,	:	
	:	
Applicant.	:	
	:	
	:	
	X	

NOTICE OF OPPOSITION

Catherine A. Mazza (“Opposer”) believes that she will be damaged by registration of the mark KNITPRO FOR THOSE WHO LOVE TO KNIT & Design, Application Serial No. 77/652,408, filed by M/S. INDEUTSCH INTERNATIONAL (“Applicant”), in Class 25 for “Hosiery, readymade garments, namely, suits, shirts, pants, trousers, dresses, blouses, blazers, jackets, cardigans, pullovers, ties, jeans, shorts, t-shirts, and footwear; wrist bands, braces, namely, suspenders,” in Class 26 for “Lace and embroidery, ribbons and braids, buttons, hooks and eyes, pins, namely, hair pins, knitting pins, bobby pins, sewing pins, tapestry pins, stitching pins, patchwork pins, cross stitch pins, crochet pins, safety pins, needles, artificial flowers, brooches, bands, namely, armbands, elastic ribbon bands, zip fastener, elastic tapes, cotton elastic tapes, cotton straps, namely, strap buckles, belting straps, ribbon straps, fastening straps, novelty badges, clothing buckles, needle threaders, decorative cords for clothing frills, saree

falls, namely, a sewing attachment made at the border of the garment to increase its durability and life of the garments, snap fasteners and lace trimming,” and in Class 35 for “Wholesale and retail store and distributorship services all featuring lace and embroidery, ribbons and braid, buttons, hooks and eyes, pins and needles, artificial flowers including brooches, bands, zip fastener, elastic tapes, cotton tapes, cotton straps, badges, braces, buckles, clothing, eye leads, cords for clothing frills, sarees falls, braid eyes pins, snap fasteners and trimming and hosiery and readymade garments and footwear,” and hereby opposes registration of the same by and through her attorneys Powley & Gibson, P.C. on the following grounds:

1. Opposer is an individual residing at 15 Channel Center Street, Apt. 502, Boston, MA 02210.

2. On information and belief, Applicant is a partnership firm organized under the laws of India, with a business address of Plot No. 42, Noida Special Economic Zone, Noida, India 201305(U.P).

3. Opposer owns common law interests and rights in and to the trademark KNITPRO (the “KNITPRO Mark”) as a trademark for a web-based application that translates digital images into knit, crochet, needlepoint and cross-stitch patterns, as well as for seminars, workshops, and events (Opposer’s “Goods and Services”) which has been in continuous use as a trademark and in use analogous to trademark use by Opposer from a time prior to any date of first use upon which Applicant can rely.

4. Opposer adopted and has continuously used the term KNITPRO as a trademark for Opposer’s Goods and Services, and has used the term KNITPRO in a manner analogous to trademark use, since at least as early as 2004, which is prior to any date of first use upon which

Applicant can rely, and has acquired rights in the KNITPRO Mark superior to any rights that may be asserted by Applicant in the subject application.

5. Users of Opposer's web-based application, members of the artistic profession, members of the arts and crafts community, and the general public have come to know the KNITPRO Mark and Opposer's Goods and Services branded with the KNITPRO Mark as emanating from Opposer.

6. By virtue of Opposer's efforts and promotional activities, and by virtue of the quality of Opposer's Goods and Services, Opposer has gained a valuable reputation among professional artists, the arts and crafts community, and the general public, and has developed valuable good will in connection with the KNITPRO Mark.

7. Opposer's KNITPRO Mark identifies Opposer as the sole source of Opposer's Goods and Services, which include goods and services that are closely related to those listed in Applicant's application.

8. On information and belief, on January 20, 2009, Applicant filed intent-to-use-based Application Serial No. 77/652,408 with the U.S. Patent and Trademark Office ("USPTO") for the trademark KNITPRO FOR THOSE WHO LOVE TO KNIT & Design ("Applicant's Mark") for "Hosiery, readymade garments, namely, suits, shirts, pants, trousers, dresses, blouses, blazers, jackets, cardigans, pullovers, ties, jeans, shorts, t-shirts, and footwear; wrist bands, braces, namely, suspenders" in Class 25, "Lace and embroidery, ribbons and braids, buttons, hooks and eyes, pins, namely, hair pins, knitting pins, bobby pins, sewing pins, tapestry pins, stitching pins, patchwork pins, cross stitch pins, crochet pins, safety pins, needles, artificial flowers, brooches, bands, namely, armbands, elastic ribbon bands, zip fastener, elastic tapes, cotton elastic tapes, cotton straps, namely, strap buckles, belting straps, ribbon straps, fastening

straps, novelty badges, clothing buckles, needle threaders, decorative cords for clothing frills, saree falls, namely, a sewing attachment made at the border of the garment to increase its durability and life of the garments, snap fasteners and lace trimming” in Class 26, and “Wholesale and retail store and distributorship services all featuring lace and embroidery, ribbons and braid, buttons, hooks and eyes, pins and needles, artificial flowers including brooches, bands, zip fastener, elastic tapes, cotton tapes, cotton straps, badges, braces, buckles, clothing, eye leads, cords for clothing frills, sarees falls, braid eyes pins, snap fasteners and trimming and hosiery and readymade garments and footwear” in Class 35 (“Applicant’s Goods and Services”).

9. Applicant’s Mark is confusingly similar to Opposer’s KNITPRO Mark in appearance, sound, meaning and commercial impression. Additionally, Applicant’s Goods and Services are closely related to the goods and services covered by the KNITPRO Mark such that there is a likelihood of confusion between Applicant’s Mark and the KNITPRO Mark.

10. Applicant’s Mark so resembles Opposer’s KNITPRO Mark as to be likely, when applied to Applicant’s Goods and Services, to cause confusion or mistake or to deceive, so that registration thereof would damage Opposer within the meaning of 15 U.S.C. § 1063. As such, Applicant’s Mark is not entitled to registration pursuant to 15 USC § 1052(d).

11. Additionally, if Applicant’s Mark matures to registration, Opposer believes it will be damaged in that it would create a presumptive right that Applicant owns the mark KNITPRO FOR THOSE WHO LOVE TO KNIT & Design and any subsequent application(s) by Opposer for federal trademark registration of the KNITPRO Mark for Opposer’s Goods and Services would likely be refused registration by the U.S. Patent and Trademark Office.

12. Any federal trademark registration for Applicant's Mark conferring exclusive, nationwide rights to Applicant would interfere with Opposer's prior rights.

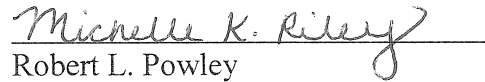
13. Opposer has used the KNITPRO Mark since prior to Applicant's application filing date of January 20, 2009, and therefore priority should not be an issue in this proceeding.

14. For the foregoing reasons, Opposer would be damaged by the registration of Applicant's Mark for the goods and services listed in Application Serial No. 77/652,408.

15. **WHEREFORE**, Opposer respectfully requests that this opposition be sustained and Application Serial No. 77/652,408 be refused registration in its entirety and that the Trademark Trial and Appeal Board grant such other relief as it deems just and proper. The required fee of \$900.00 for opposition against three (3) classes is enclosed herewith.

Dated: August 10, 2011

Respectfully submitted,



Robert L. Powley  
James M. Gibson  
Margarita Wallach  
Michelle K. Riley

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Attorneys for Opposer  
Catherine A. Mazza

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 77/652,408

For the Mark: KNITPRO FOR THOSE WHO LOVE TO KNIT & Design

Published in the Official Gazette on April 12, 2011

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Catherine A. Mazza, :  
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Opposer, :  
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-against- :  
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M/S. INDEUTSCH INTERNATIONAL, :  
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Applicant. :  
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CERTIFICATE OF SERVICE UNDER 37 C.F.R §2.119

I hereby certify that on this 10th day of August, 2011, a true and correct copy of the foregoing Notice of Opposition was served on counsel of record for the Applicant by United States Postal Service first class mail, postage prepaid, at Applicant's correspondence address on record in the United States Patent and Trademark Office:

Max Vern  
Amster, Rothstein & Ebenstein LLP  
90 Park Ave.  
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Michelle K. Riley